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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,030	11/20/2003	Jing-Jong Pan	LWAVP021	7162
51111	7590	01/04/2008	EXAMINER	
AKA CHAN LLP			PHAN, HANH	
900 LAFAYETTE STREET			ART UNIT	
SUITE 710			PAPER NUMBER	
SANTA CLARA, CA 95050			2613	
			NOTIFICATION DATE	DELIVERY MODE
			01/04/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-INBOX@AKACHANLAW.COM

## Office Action Summary

**Application No.**

10/718,030

**Applicant(s)**

PAN ET AL.

**Examiner**

Hanh Phan

**Art Unit**

2613

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 10/15/2007.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chown (Pub. No.: US 2004/0037537) in view Harker et al (Pub. No.: US 2004/0051932).

Regarding claims 18-20, referring to Figures 4a, 4b and 6, Chown teaches an integrated laser diode assembly comprising:

a laser diode (i.e., laser diode 24, Figs. 4a and 4b);

a first lens (i.e., a first lens 25, Figs. 4a and 4b) proximate the laser diode, the first lens arranged and oriented with respect to the laser diode to collimate light from the laser diode (i.e., page 2, paragraphs [0028], [0029], [0032], [0033] and [0034]);

a variable optical attenuator (i.e., an variable optical attenuator VOA 22, Figs. 4a, 4b and 6) proximate the first lens opposite the laser diode, the variable optical attenuator arranged and oriented to receive collimate light from the first lens, the variable optical attenuator further comprising a liquid crystal cell having first and second plates, each plate having an electrode mounted thereon, the liquid crystal cell rotating

polarized light responsive to the amount of voltage applied between the electrodes (i.e., page 2, paragraphs [0028], [0029], [0032], [0033] and [0034]);

a second lens (i.e., a second lens 26, Figs. 4a and 4b) arranged and oriented to focus light from the variable optical attenuator (i.e., page 2, paragraphs [0028], [0029], [0032], [0033] and [0034]);

a section of output optical fiber (i.e., connector 28, Figs. 4a and 4b) having an end, the output optical fiber section arranged and oriented with respect to the second lens so that light from the second lens is focused at the end of the output optical fiber section (i.e., page 2, paragraphs [0028], [0029], [0032], [0033] and [0034]);

a base (i.e., Figs. 4a and 4b), the laser diode, first lens, and variable optical attenuator; second lens and the end of the output optical fiber section mounted thereto (i.e., page 2, paragraphs [0028], [0029], [0032], [0033] and [0034]); and

a package (i.e., a housing 34, Figs. 4a and 4b) enclosing the base, the laser diode, first lens, variable optical attenuator and second lens, a portion of the output optical fiber section removed from the end mounted to the package (i.e., page 2, paragraphs [0028], [0029], [0032], [0033] and [0034]).

Chown differs from claims 18-20 in that he fails to teach an integrated variable optical attenuator comprises an optical variable attenuator and an optical isolator. Harker et al teaches an integrated variable optical attenuator comprises an optical variable attenuator and an optical isolator (i.e., Fig. 6, page 2, paragraphs [0016]-[0027]). Based on this teaching, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the integrated variable optical

attenuator comprises an optical variable attenuator and an optical isolator as taught by Harker et al in the system of Chown. One of ordinary skill in the art would have been motivated to do this since allowing reducing the size and cost of the device.

Regarding claim 21, the combination of Chown and Harker et al teaches the laser diode is mounted in a laser diode package and the laser diode package is mounted to the package (i.e., Figs. 4a and 4b of Chown and Figs. 1 and 6 of Harker et al).

Regarding claim 22, the combination of Chown and Harker et al teaches the laser diode package comprises further a TO-can (i.e., Fig. 1 of Harker et al).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 18-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
**HANH PHAN**  
**PRIMARY EXAMINER**